

### Remarks

Claims 16-30 and claims 31-35 are pending. Claims 1-15 and 36-40 are canceled by this response. Claims 31-35 have been withdrawn. Claim 16 is rejected. Claims 17-30 are objected to.

### Summary of telephonic interview

A summary of the telephonic interview was conducted between the Examiner and Zhaoyang Li on July 18, 2006 was submitted in the communication filed on August 8, 2006.

### Objection to the claims

Claims 17, 20 and 21 are amended to be independent claims that incorporate the limitations of claim 16. Claims 17, 20 and 21 are thus allowable. Claims 18, 19, 22-24, and 27-29 depend from claim 17. Claims 25 and 30 depend from claim 20. Claim 26 depends from claim 21. Therefore, Claims 18, 19 and 22-30 are allowable.

### Rejection under 35 U.S.C. 102

Claim 16 is rejected under 35 U.S.C. 102(b) as being anticipated by EP 0027028 to Tsukasa et al. ("Tsukasa"). Applicant respectfully traverses this rejection.

Claim 16 defines **an implantable device, or an implantable body portion of the implantable device,** comprising a coating comprises a block copolymer. The block copolymer comprising a fluorinated block and at least one non-fluorinated block, wherein the fluorinated block is a poly(fluoroalkene). An ordinary artisan would recognize that an implantable device is suitable for being implanted in the body of a human being.

In contrast, Tsukasa describes **a rubber stopper for sealing a vial,** e.g., a vial for pharmaceutical applications (page 3, lines 6-22). A rubber stopper of a vial is certainly

not an implantable device suitable for being implanted in the body of a human being.

Therefore, Tsukasa does not describe the implantable device of claim 16.

The Examiner alleges that the rubber stopper of Tsukasa can have a size sufficiently small so that it can be an implantable device. This assertion ignores the requirements of an implantable device. **An ordinary artisan would recognize that, in order to be implantable, a device at least has to meet (1) the size requirement so that it can be planted in a tissue (e.g., a vessel) of a human being, (2) the biocompatibility requirement so that the body of a human can tolerate the device. Therefore, the rubber stopper of Tsukasa is not an implantable device that falls within the scope of claim 16, and (3) a functional requirement so that the device is being implanted for a particular use such as a preventative or therapeutic applications. A rubber stopper certainly WOULD NOT serve any medical or medicinal purposes.**

Accordingly, claim 16 is patentably allowable over Tsukasa.

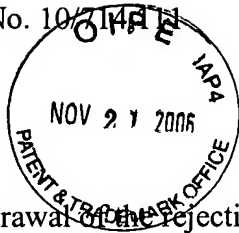
Request of rejoinder

Claim 31 depends from claim 16. As discussed above, Applicant believes claim 16 is patentably allowable. Therefore, Applicant believes claim 31 is patentably allowable.

Claims 32, 34 and 35 depend from claim 17. Claim 33 depends from claim 21. Claims 17 and 21 are allowable. Claims 32-35 are thus allowable.

Accordingly, Applicant respectfully requests the Examiner to rejoin claims 31-35.

The undersigned authorizes the examiner to charge any fees that may be required or credit of any overpayment to be made to Deposit Account No. 07-1850.



**CONCLUSION**

Withdrawal of the rejection and allowance of the claims are respectfully requested.

**If the Examiner has any suggestions or amendments to the claims to place the claims in condition for allowance, applicant would prefer a telephone call to the**

**undersigned attorney for approval of an Examiner's amendment.** If the Examiner

has any questions or concerns, the Examiner is invited to telephone the undersigned attorney at (415) 393-9885.

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Respectfully submitted,

A handwritten signature in black ink, appearing to be "Zhaoyang Li", written over a horizontal line.

Zhaoyang Li, Ph.D.  
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